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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,090	09/12/2003	Housh Khoshbin	3861 P 012	6592
7590	06/15/2005		EXAMINER	
James P. Muraff, Esq. WALLENSTEIN WAGNER & ROCKEY, LTD 53rd Floor 311 South Wacker Drive Chicago, IL 60606-6630				BROWN, VERNAL U
		ART UNIT		PAPER NUMBER
		2635		
DATE MAILED: 06/15/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/661,090	KHOSHBIN, HOUSH	
	<b>Examiner</b>	<b>Art Unit</b>	
	Vernal U. Brown	2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 March 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3-22,24-43,45 and 46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3-22,24-43,45 and 46 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

This action is responsive to communication filed on January 10, 2005.

### ***Response to Amendment***

The examiner has acknowledged the amendment of claims 1, 22, and 43 and the cancellation of claim 2, 23, and 44.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 3-22, 24-43, and 45-46 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 15-16, 22, 24, 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hymel U.S Patent 6353382 in view of Alperovich et al. US Patent 6119014.

Regarding claims 1 and 22, Hymel teaches a method for providing priority messages to a plurality of wireless devices for notifying respective users of the wireless devices of the priority message (col. 5 lines 10-25), the method comprising the steps of: providing for receiving a priority message from an authority (col. 5 lines 20-25); providing for assigning a priority identifier to the priority message (col. 4 lines 54-60); providing for transmitting the priority

message to the plurality of wireless devices (figure 1), wherein the priority identifier will cause the priority message to receive priority status once received by the plurality of the wireless devices (col. 5 lines 25-30). Hymel is however not explicit in teaching compelling the displaying of the priority message on the displays of the plurality of wireless devices before any other message on the displays of the plurality of wireless devices. Aplerovich et al. in an art related method of displaying message invention teaches displaying received messages based on the priority (col. 4 lines 7-17) and the messages with the highest priority level is displayed first (col. 4 lines 23-28) further implying the priority message is displayed before any other message so that important messages can be communicated as quickly as possible.

It would have been obvious to one of ordinary skill in the art to compelling the displaying of the priority message on the displays of the plurality of wireless devices before any other message on the displays of the plurality of wireless devices because Hymel suggests displaying a priority message and Aplerovich et al. teaches displaying a message according to the priority and further implying the priority message is displayed before any other message so that important messages can be communicated as quickly as possible.

Regarding claims 3 and 24, Hymel teaches the address of the wireless device is used to determine the parameters associated with the wireless device and the parameter associated with the device includes the priority settings (col. 2 lines 55-60, col. 4 54-60).

Regarding claims 10 and 31, Hymel teaches a plurality of wireless devices receiving a priority message (col. 5 lines 10-25) but is not explicit in teaching automatically displaying the priority message. Aplerovich et al. in an art related method of displaying message invention teaches automatically displaying a priority message by the sender of the message requesting that

the message be display at an interval (col. 4 lines 52-65) in order that the user be notified or reminded of the priority message.

It would have been obvious to one of ordinary skill in art to automatically display the priority message in Hymel as evidenced by Aplerovich et al. because Hymel suggests receiving and displaying a priority message and Aplerovich et al. teaches automatically displaying a priority message in order that the user be notified of the priority message.

Regarding claims 15-16 and 36-37, Hymel teaches the wireless device a distributed in geographical area (col. 1 lines 61-2 line 2).

Claims 4-5 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hymel U.S Patent 6353382 in view of Alperovich et al. US Patent 6119014 and further in view of Ong et al. U.S Patent 6515577.

Regarding claims 4-5 and 25, Hymel in view of Alperovich et al. teaches a plurality of wireless devices receiving a priority message (col. 5 lines 10-25) but is silent on teaching assigning the priority message to a priority channel within the plurality of wireless devices. Ong et al. in an art related selective call receiver invention teaches assigning the priority message to a priority channel of a wireless device (col. 3 lines 25-29).

It would have been obvious to one of ordinary skill in the art to assigning the priority message to a priority channel within the wireless device in Hymel in view of Alperovich et al. as evidenced by Ong et al. because Hymel in view of Alperovich et al. suggests a plurality of

wireless devices receiving a priority message and Ong et al. teaches assigning messages to priority channel in order to prioritize the transmission and processing of a message.

Claims 6-8 and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hymel U.S Patent 6353382 in view of Alperovich et al. US Patent 6119014 in view of Ong et al. U.S Patent 6515577 and further in view of Burgan et al. U.S Patent 6351656.

Regarding claims 6-8 and 26-29, Hymel in view of Alperovich et al. teaches a plurality of wireless devices receiving a priority message (col. 5 lines 10-25) but is silent on teaching displaying the priority message received on the priority channel of the of the wireless devices and storing the priority message received on the priority channel in a priority state within the wireless device. Ong et al. in an art related selective call receiver invention teaches assigning the priority message to a priority channel of a wireless device (col. 3 lines 25-29) but is also silent on teaching displaying the priority message received on the priority channel of the of the wireless devices and storing the priority message received on the priority channel in a priority state within the wireless device. Burgan et al. in an art related wireless device teaches displaying the priority message on the display of wireless device (col. 3 lines 11-15) and storing the priority message received on the priority channel in a priority state within the wireless device (col. 2 line 54-65).

It would have been obvious to one of ordinary skill in the art to displaying the priority message received on the priority channel of the of the wireless devices and storing the priority message received on the priority channel in a priority state within the wireless device in Hymel in view of Alperovich et al. as evidenced by Hymel as evidenced by Ong in view of Burgan et al. because Hymel in view of Alperovich et al. suggests a plurality of wireless devices receiving a priority message and Ong et al. teaches priority message to a priority channel of a wireless

device. Burgan et al. further teaches displaying the priority message on the display of wireless device and storing the priority message received on the priority channel in a priority state within the wireless so that the user of the wireless device can be alerted when a priority message is received and the priority message recall from memory by the user of the wireless device.

Claims 9 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hymel U.S Patent 6353382 in view of Alperovich et al. US Patent 6119014 and further in view of Menard et al. U.S Patent 6671351.

Regarding claims 9 and 30, Hymel teaches a plurality of wireless devices receiving a priority message (col. 5 lines 10-25) but is silent on teaching the authority comprises an advertiser. Marshall et al. in an art related wireless device invention teaches an advertiser transmitting priority messages (col. 8 lines 10-18) in order to enable the timely delivery of information to customers.

It would have been obvious to one of ordinary skill in the art for the authority to comprise an advertiser in Hymel as evidenced by Menard et al. because Hymel teaches transmitting priority messages to a plurality of wireless devices and Marshall et al. teaches an advertiser transmitting priority messages in order to enable the timely delivery of information to customers.

Claims 11-12 and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hymel U.S Patent 6353382 in view of Alperovich et al. US Patent 6119014 and further in view of Burgan et al. U.S Patent 6351656.

Regarding claims 11-12 and 32-33 Hymel in view of Alperovich et al. teaches a plurality of wireless devices receiving a priority message (col. 5 lines 10-25) but is silent on teaching

displaying a graphic on the display prior to displaying the priority message on the display of wireless device. Burgan et al. in an art related wireless device teaches displaying the priority message on the display of wireless devices (col. 3 lines 11-15) and teaches displaying a graphic (icon) on the display screen (col. 3 line 51-col. 4 line 5).

It would have been obvious to one of ordinary skill in the art to displaying a graphic on the display prior to displaying the priority message on the display of wireless device in Hymel as evidenced by Burgan et al. because Hymel suggests a wireless receiving messages base on priority and Burgan et al. teaches a wireless device displaying a graphic (icon) on the display screen so as to inform the user that a priority message has been received.

Claims 13-14 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hymel U.S Patent 6353382 in view of Alperovich et al. US Patent 6119014 in view of Burgan et al. U.S Patent 6351656 and further in view of Hymel et al. U.S Patent 6157814.

Regarding claims 13-14 and 34-35, Hymel in view of Alperovich et al. in view of Burgan et al. teaches using graphic to indicate priority messages (*see response to claim 12*) but is silent on teaching the graphic is an advertising logo and a sponsor message. Hymel et al. in an art related wireless device invention teaches the use of an advertising logo that include a sponsor message for indicating a message received at a wireless device (col. 3 lines 7 –12 and col. 3 lines 45-47).

It would have been obvious to one of ordinary skill in the art to use an advertising logo and a sponsor message to indicate a priority message in a wireless device in Hymel in view of Alperovich et al. in view of Burgan et al. as evidenced by Hymel et al. because Hymel in view of in view of Alperovich et al. in view of Burgan et al. suggests using graphic to indicate priority

messages and Hymel et al. teaches the use of an advertising logo that include a sponsor message for indicating a message received at a wireless device and further providing instant recognition of the source of the page.

Claim 17, 19-21, 38, and 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hymel U.S Patent 6353382 in view of Alperovich et al. US Patent 6119014 in view of Seeger US Patent Application Publication 2003/0022684.

Regarding claims 17, 19-21, 38, and 40-42, Hymel in view of Alperovich et al. teaches a wireless device receiving a priority message (col. 5 lines 10-25) but is silent on teaching the priority message is received from an “Amber Alert” system. Seeger in an art related Device for Warning notification teaches a wireless device receiving a priority message from an Amber Alert system regarding abductee (paragraph 0059).

It would have been obvious to one of ordinary skill in the art for the wireless device to receive a priority message from an Amber Alert system in Hymel in view of Alperovich et al. as evidenced by Seeger because Hymel suggests a wireless device receiving a priority message and Seeger teaches wireless device receiving a priority message from an Amber Alert system so as to alert a person of an emergency situation.

Claims 18 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hymel U.S Patent 6353382 in view of Alperovich et al. US Patent 6119014 in view of Seeger US Patent Application Publication 2003/0022684 and further in view of Burgan et al. U.S Patent 6351656.

Regarding claims 18 and 39, Hymel in view of Alperovich et al. in view of Seeger teaches a wireless device receiving a priority message from an Amber Alert system (*see response to claim 17*) but is silent on teaching receiving a graphic from the Amber Alert system. Burgan et al. in an art related wireless device teaches displaying the priority message on the display of wireless devices (col. 3 lines 11-15) and teaches displaying a graphic (icon) on the display screen (col. 3 line 51-col. 4 line 5).

It would have been obvious to one of ordinary skill in the art to displaying a graphic on the display prior to displaying the priority message on the display of wireless device in Hymel in view of Alperovich et al. as evidenced by Burgan et al. because Hymel suggests a wireless receiving messages base on priority and Burgan et al. teaches a wireless device displaying a graphic (icon) on the display screen so as to inform the user that a priority message has been received.

Claims 43-44 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burgan et al. U.S Patent 6351656 in view of Alperovich et al. US Patent 6119014.

Regarding claim 43, Burgan et al. teaches a wireless device for notifying a user of the wireless device of a priority message (col. 2 lines 45-55), the wireless device comprising:  
a display for displaying a priority message (col. 3 lines 11-15);  
a receiver for receiving the priority message, wherein a priority identifier is assigned to the priority message and the identifier will cause the priority message to receive priority status once received by the wireless device (col. 2 lines 49-65). Burgan et al. teaches persistently displaying a priority message (col. 4 lines 19-25). The persistent display of the priority message

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prevent any other message from been displayed. Burgan et al. is however not explicit in teaching compelling the display of the priority message before any other message is displayed. Aplerovich et al. in an art related method of displaying message invention teaches displaying received messages based on the priority (col. 4 lines 7-17) and the messages wit the highest priority level is displayed first (col. 4 lines 23-28) further implying the priority message is displayed before any other message so that important messages can be communicated as quickly as possible.

It would have been obvious to one of ordinary skill in the art to compelling the displaying of the priority message on the displays of the plurality of wireless devices before any other message on the displays of the plurality of wireless devices because Hymel suggests displaying a priority message and Aplerovich et al. teaches displaying a message according to the priority and further implying the priority message is displayed before any other message so that important messages can be communicated as quickly as possible.

Regarding claim 46, Burgan et al. teaches automatically displaying the priority message upon the activity of the user (col. 4 lines 19-25, col. 4 lines 38-41).

Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burgan et al. U.S Patent 6351656 in view of Alperovich et al. US Patent 6119014 and further in view of Ong et al. U.S Patent 6515577.

Regarding claim 45, Hymel in view of Alperovich et al. teaches a wireless device receiving a priority message (col. 3 lines 11-15) but is silent on teaching assigning the priority message to a priority channel within the plurality of wireless devices. Ong et al. in an art related

selective call receiver invention teaches assigning the priority message to a priority channel of a wireless device (col. 3 lines 25-29).

It would have been obvious to one of ordinary skill in the art to assigning the priority message to a priority channel within the wireless device in Burgan et al. in view of Alperovich et al. as evidenced by Ong et al. because Burgan et al. in view of Alperovich et al. suggests a wireless devices receiving a priority message and Ong et al. teaches assigning messages to priority channel in order to prioritized the transmission and processing of a message.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U. Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Vernal Brown

June 11, 2005



BRIAN ZIMMERMAN  
PRIMARY EXAMINER